



**IT IS ORDERED as set forth below:**

**Date: May 26, 2022**

*Wendy L. Hagenau*

**Wendy L. Hagenau  
U.S. Bankruptcy Court Judge**

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>IN RE:</b>	)	<b>CHAPTER 11</b>
	)	
<b>RICHARD DOUGLAS CULLINAN,</b>	)	<b>CASE NO: 22-51326-WLH</b>
	)	
<b>Debtor.</b>	)	
	)	

**ORDER GRANTING  
MOTION TO SELL REAL PROPERTY**

Upon consideration of Debtor's Motion to Sell Real Property (the "**Motion**"),<sup>1</sup> which requests, among other things, entry of an order pursuant to §§ 105 and 363 of the Bankruptcy Code and Rule 6004 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**") approving the sale of certain real property (the "**Sale**") detailed in the Sales Agreement attached as **Exhibit B** to the Motion (the "**Sales Agreement**") by and between Debtor and Mrs. Cullinan

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

and Mitchell Ridgeway; the Court having reviewed and considered the Motion, the arguments of counsel, and the evidence presented at the hearing on the Motion; and all objections to the Motion having been either withdrawn or overruled; and it appearing that the relief requested in the Motion is in the best interests of Debtor, his bankruptcy estate, and all creditors and other parties in interest; and sufficient notice of the Motion having been given to all creditors and parties in interest; and after due deliberation thereon, and good cause appearing therefore, it is hereby ORDERED as follows:

1. The Motion is GRANTED as set forth herein. All objections to the Motion or the relief requested therein that have not been withdrawn, waived, or settled, and all reservations of rights included therein, are OVERRULED on the merits and denied with prejudice.

2. The Sales Agreement, including any amendments, supplements, and modifications thereto, and all of the terms and conditions therein, is hereby APPROVED.

3. Debtor may sell the Property free and clear of all liens, claims and encumbrances, because one or more of the standards set forth in § 363(f)(1)-(5) of the Bankruptcy Code has been satisfied.

4. Upon closing of the Sale, all liens, claims, and encumbrances on the Property shall attach to the proceeds of the Sale (the “**Sales Proceeds**”) to the same extent, validity, and priority as they existed on the Petition Date, unless the Court has entered order avoiding all or any portion of a creditor’s lien.

5. Debtor is authorized to take all actions necessary to close the Sale and to comply with the Sales Agreement.

6. At the closing of the Sale, the following payments shall be made: six percent (6%) sales commission under the terms of the Sales Agreement, full payment of the Coastal States

HELOC (as defined in the Motion), and the remaining balance of the Sales Proceeds is to be escrowed in Debtor's counsel's IOLTA account pending further order of this Court.

7. Debtor's counsel shall promptly file a Report of Sale after the Sale is consummated. Debtor's counsel shall also report the amount of Sales Proceeds held in its IOLTA account on Debtor's monthly operating reports. After the closing of the Sale, Debtor's counsel shall promptly file an appropriate pleading to disburse any Sales Proceeds not subject to dispute in adversary proceeding no. 22-05078-wlh.

8. The Court shall retain jurisdiction to enforce and implement the terms and provisions of the Sales Agreement and this Order.

9. Notwithstanding any rule to the contrary, the provisions of this Order shall be immediately effective and enforceable upon its entry.

**### END OF ORDER ###**

**Prepared and Presented by:**

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